

# ARSON PREVENTION

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4. C 73/7: S. HRG. 103-965

Arson Prevention, S. Hrg. 103-965, 1...

## HEARING

BEFORE THE

### SUBCOMMITTEE ON CONSUMER

OF THE

### COMMITTEE ON COMMERCE,

### SCIENCE, AND TRANSPORTATION

### UNITED STATES SENATE

ONE HUNDRED THIRD CONGRESS

FIRST SESSION

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NOVEMBER 18, 1993

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Printed for the use of the Committee on Commerce, Science, and Transportation



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THURSDAY, NOVEMBER 18, 1993

U.S. SENATE,  
SUBCOMMITTEE ON CONSUMER OF THE  
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 10:30 a.m., in room SR-253, Russell Senate Office Building, Hon. Richard H. Bryan (chairman of the subcommittee) presiding.

Staff members assigned to this hearing: Moses Boyd, senior counsel, and Claudia A. Simons, staff counsel; and Sherman Joyce, minority staff counsel.

## OPENING STATEMENT OF SENATOR BRYAN

Senator BRYAN. The subcommittee meeting will come to order.

Just a few weeks ago, we watched entire communities in southern California burn to the ground. Fanned by the Santa Ana winds, a wall of fire enveloped hundreds of structures, notwithstanding the gallant effort by firefighters all over southern California.

A few months ago, an auto parts factory in a town north of Lansing, MI, was destroyed by flames, causing \$36 million in damage, and leaving some 200 workers unemployed. At about the same time, a farm house in Hendrick, IA, was destroyed by fire, surrounded, ironically, by last summer's flood waters.

Last year, Los Angeles burned.

The year before, 52 churches burned in Florida; almost one-half of those burned to the ground. In the spring of 1990, 87 people died in a nightclub fire in New York.

The loss of life and property from accidental fires is tragic. But the fires I have just mentioned were intentionally set. According to the National Fire Incident Reporting System, more than 110,000 arson fires in residential, commercial, and industrial structures each year occur, and an even greater number of arson fires outdoors.

Arson is rapidly becoming the No. 1 cause of death from fire, particularly in our larger cities. It results in more than \$2 billion in property loss annually, more than one-half from residential fires. The FBI reports that nearly one-half of all arson fires were set by children, but perhaps the most amazing fact of all is that these statistics do not begin to reflect the depth of our Nation's arson problem.

A fire is only counted as arson if someone is charged with the crime. Perhaps most of all suspected arsons are not counted.

I am pleased to report that last week, the Commerce, Science, and Transportation Committee unanimously recommended to the Senate passage of the Arson Prevention Act of 1993, a bill which should do much to increase our understanding of how to better prevent, control, and prosecute arson activities. We are seeking prompt passage and full funding of this important legislation. And, this morning, we will hear from those who have been closest to the problem.

I note that we are joined this morning by California's senior Senator, Senator Dianne Feinstein. And let me invite her now to begin our testimony. But, also, I note parenthetically that she is one of the Nation's television personalities this morning. [Laughter.]

Dianne, nice to have you with us this morning.

#### **STATEMENT OF HON. DIANNE FEINSTEIN, U.S. SENATOR FROM CALIFORNIA**

Senator FEINSTEIN. Thank you very much, Mr. Chairman and Senator Burns. I appreciate very much the opportunity to make a statement before this subcommittee.

Let me kind of give you my experience; and it really comes from 9 years of being mayor of a very fire-prone city. San Francisco, as you know its mythic bird is the phoenix. And that phoenix is the bird that rose from its flames following the 1906 earthquake, when most of the city was burned down.

In the 9 years I was mayor, I went to every greater alarm fire in the city. I spoke literally dozens of times with arson investigators. I saw my first body totally burned by fire. I personally saw homes devastated. I saw people sitting on street corners sobbing, not knowing where to go. And I learned a lot about arson and arsonists—enough to know that it is extraordinarily complicated problem.

Then, as I became a Member of the Senate, Senator Boxer and I flew out with FEMA Director James Lee Witt, to fly over the fires, to drive through the fires. And what we saw was that out of 26 total wildfires ravaging southern California, 19 of them were suspected arson, including the fires that resulted in the deaths of a British film director trying to save his cat and the elderly couple caught trying to flee their home.

There was the Laguna Beach fire that burned nearly 17,000 acres. It destroyed 318 homes. And it forced the evacuation of the entire community. The suspected cause was arson.

There was the Altadena fire, just outside Pasadena, which burned 5,700 acres, destroyed 118 homes, and caused nearly \$60 million in damage so far. The cause was arson.

There was the Malibu inferno that destroyed 390 homes and caused hundreds of millions of dollars in damage. The suspected cause: arson.

And there are many more of those fires whose suspected cause is also arson.

Now, according to the FBI, arson covers a wide range of offenses. And it is defined as "any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling, a public building, a motor vehicle or aircraft, the personal property of another."



So, arson can include a professional who purposely sets a building on fire for financial gain—and those are most of them—or a child playing with matches, who accidentally starts a fire. This is the complication when it comes to criminal sentencing. How do you make a judgment, if convicted of arson, which is worse? And I think the law has to provide for that; the intent is a very important factor here.

The Altadena fire in southern California, for example, was caused when a homeless man was trying to keep warm, and started a small fire that got out of control. It is a different situation from somebody who wants to strike back, who may be a pyromaniac, who may have a grievance, who uses fire as a method for settling a grievance.

As you know, arson is a major national problem. There were 102,000 reported arson offenses in 1992. That was responsible for 25 percent of all the fires in the United States.

According to the Uniform Crime Statistics, the number of arsons have not increased in the last couple of years, but the geographical spread of them has changed. Arson actually decreased 6 percent in the Northeast, 5 percent in the South, and 2 percent in the Midwest, but it increased 10 percent in the Western United States. And this is the 1992 Uniform Crime Report I am reading from.

We also know that arson's aftermath can be tragic. There is a nationwide average of 700 deaths from arson and \$2 billion in property losses annually from arson. For someone who has lost their home, every single thing they possess except what they happen to have on their backs when they get out, or who has had a loved one burned or lost in a fire, the sense of loss and the actual loss is enormous.

So, there is tremendous anger that goes along with it, when somebody can come, and with a match, a torch, a can, an incendiary device, completely decimate another human being.

Now, law enforcement has a very hard time apprehending and prosecuting arsonists. FBI statistics show that only 17 percent of the arson cases were solved in 1992. A Los Angeles County Fire Department spokesman said, "the problem is catching the person, because, many times, we have no witnesses, and the evidence is burned up."

Because of the many problems surrounding arson cases, I was pleased to learn about S. 798. And I would very much appreciate being a cosponsor of that bill. Because it is clear to me that arson research, prevention, and control grants that are available to States that have this problem can be of help. They are not symbolic; they can be very tangible. To learn how to treat the child who has a problem, to be able to condition the community as to the dangers of arson and of the casual fire accidentally set, which can devastate hundreds of homes.

As you know, S. 798 would provide for up to 10 grants to awarded to various States for arson programs. The training, the task forces, the public educational programs, juvenile arson—a big problem—drug-related arson, and training of volunteer firefighters.

This is a major nationwide problem. And it was proven, I think, just as recently, by the devastating fires in southern California.

I want you to know that I support your bill, and I look forward to its speedy passage.

And I thank you for this opportunity.

Senator BRYAN. Senator Feinstein, thank you very much for your testimony.

It affects all of us. My wife's family lives in the southern California area. Her sister and her brother-in-law live in the Malibu area and, although their home was spared, they were literally up all night waiting for an evacuation order. They were spared in the canyon where they were. Other friends were less fortunate. So, it is devastating. And it is traumatic even for those families that are fortunate to be spared. But it is an anxious time.

I, myself, had to evacuate a number of years ago in Carson City, when our home was threatened. And although the fire did not reach us, it is an experience that you never, never forget. So, I know how seriously it impacts the folks in your part of the country.

Senator FEINSTEIN. I thank you very much, Mr. Chairman, for this opportunity.

Let me just end with one thing. I do not really believe people understand fire. They look at fire often in a very contained way. They never really see fire in its powerful firestorm, where it just breathes and sucks oxygen and draws things into it from blocks away. It is almost like the viciousness of a sea in the middle of a storm. And I think that people have to learn about fire, as we become more dense in our communities, to have a great respect and to control fire always. And so I think that is the heart of your bill: we must learn about fire, and we must prevent arson.

And I thank you.

Thank you, Senator.

Senator BRYAN. Thank you.

Let me yield now to Senator Burns for any questions that he might wish to ask.

#### OPENING STATEMENT OF SENATOR BURNS

Senator BURNS. Mr. Chairman, thank you for holding this hearing, because I think this is a very important issue.

I am not really sure why we cannot attach this legislation to the crime bill that we are talking about right now. I think it is that important. I think it should have been done in the form of an amendment so that we could get this program underway.

I think the Senator from California hit upon a very, very important point. There are not a lot of people that understand fire. Montana burned up in 1988. We fought forest fires. We have had range fires. I worked for the Forest Service way back in the fifties, when fire suppression was really getting started. If you have ever been at a forest fire in the Northwest—I was on the Tango fire and the Hidden Peak fire. We lost people, by the way, on both of those fires. They were burned up when the winds came up.

And I do not think many people has ever been in the middle of a range fire and tried to start moving stock. I have been a part of that.

I have done a lot of things in my life, and most of them I came up the hard way. But, I guess that is my whole life.

I would say that there is only one part of this legislation that I disagree with. That is the matching requirement for the States. I think the Federal Government should authorize grants—it was recommended by the Fire Caucus—to the States, and let them use it as such.

I am also mindful and aware of local governments and mandates, unfunded mandates. And, basically, this is one. In order to qualify for the money, a State has to come up with 25 percent of the money. Pretty soon, in order to come up with 25 percent of everything that we want States to participate in, the States will be broke. And I think the Senator from California understands that, having come out of city and county government.

So, that is where I would amend. I am a wholehearted supporter. And, Mr. Chairman, I would just ask that this be made a part of the crime bill, the comprehensive crime bill that we are preparing to vote on final passage. I think this is very important, particularly with the California situation. We understand the difference between accidents and intent. And we also understand one other thing that is very important. Arson, in the majority of times, is a disease. It is a psychological disease. We must understand that. There are arsonists who love to see things burn. For some, it is just another disease, like gambling or anything else.

I fail to understand that, but, nonetheless, that is what happens. But I think to catch the really shrewd and smart arsonist that does it for pay, we need these grants to conduct research. Because, let us face it, we cannot put all these people in jail. But we have got to outsmart them. And that is the way we do that.

So, I appreciate the testimony of the Senator from California. I am highly supportive.

I have an 11 o'clock meeting to go to this morning, Mr. Chairman, but I am highly supportive. The only part of the legislation that I am concerned about is the 25-percent match on it that I think, if we are going to help our States and our local governments with this situation—they know how to do it, let us just give them the grants to do the research.

I thank you very much.

Senator FEINSTEIN. Thank you very much.

Thank you, Mr. Chairman.

Senator BRYAN. I thank the Senator from California. And I thank the Senator from Montana for his leadership and his interest and strong support of this program.

The Senator may be aware that H.R. 1727, which is a companion measure in the House, has already passed. It was introduced by Representative Boucher. And so, we are hopeful, Senator Burns, that we may be able to get this thing on a fast track and get it enacted. But, I agree that it ranks in the magnitude of the issues that we are dealing with in the crime bill.

And I thank the Senator from California for her testimony, and apologize to the Senator from Montana for not recognizing him sooner, in light of his time constraints.

Senator BURNS. Thank you.

Senator BRYAN. We have a distinguished panel that joins us this morning: Mr. Edward Wall, Acting Administrator of the U.S. Fire Administration; Mr. David Icove, Director of Arson and Bombing

Division, the Federal Bureau of Investigation; and Mr. James Brown, Chief of Explosives Division, the Bureau of Alcohol, Tobacco and Firearms.

Gentlemen, welcome to our hearing. Once you get situated, we will ask Mr. Wall to begin the testimony from this panel.

**STATEMENT OF EDWARD M. WALL, ACTING ADMINISTRATOR,  
U.S. FIRE ADMINISTRATION; ACCOMPANIED BY AGNES  
MRAVCAK, DISASTER ASSISTANCE PROGRAMS**

Mr. WALL. Good morning, Mr. Chairman, and members of the subcommittee. As Deputy Administrator of the U.S. Fire Administration, it is an honor to appear before you today to testify on the country's arson problem. I have asked a colleague of mine, Agnes Mravcak, from Disaster Assistance Programs, to join me today, in the event there are some questions about the disaster assistance.

I commend the subcommittee for focusing on this serious problem, especially in the light of the recent devastating fires that destroyed approximately 200,000 acres in southern California.

As the State of California works to rebuild, in the wake of the 1993 blazes that destroyed entire towns and neighborhoods, the Nation is looking closer than ever at the tremendous cost of arson.

This focus is critical. Arson continues to be the second leading cause of fire deaths in residences, and the leading cause of dollar loss from fires overall. The direct property loss due to arson averages \$1.6 billion each year.

More importantly, arson maims and arson kills. Each year, there are an estimated 332,000 arson fires nationwide, resulting in approximately 4,000 injuries, and 1,000 fire deaths; a figure which has increased 33 percent over the last 10 years.

Unfortunately, the arson problem is on the rise. Over the past 3 years, many of our communities have seen a marked increase in arson fires. In fact, arson is the leading cause for dollar loss per fire in the United States; and accounts for nearly \$1 out of every \$4 lost to fire. The direct fire loss from arson fires runs into billions of dollars each year.

The indirect loss is even greater, and results in widespread economic consequences. Let me put these indirect arson losses into perspective. When a fire destroys a business, jobs are lost; either temporarily or permanently. The ripple effect continues, as tax revenues are depleted and insurance rates increase for other businesses in the area.

Beyond the economic cost, arson kills and wreaks havoc, often in the form of long-term emotional damage on the lives of those who survive.

Although it is a major issue that is brought to national attention only after major catastrophes such as occurred in California, arson prevention should be considered an investment in community preservation of lives, property, jobs, and emotional well-being.

Toward this end, FEMA and the U.S. Fire Administration are dedicated to saving lives and reducing property losses from fires in the United States.

Since 1979, the U.S. Fire Administration has served as the focal point for Federal arson control programs. In this capacity, USFA serves as a facilitator and a catalyst, helping the fire service com-

munity and other Federal agencies develop the most effective and efficient programs for response strategies.

USFA functions as both a resource and a clearinghouse, heightening arson awareness, and providing instructional materials to assist the fire service community, State and Local Governments, and the private sector, in the fight against arson.

USFA offers a variety of resources to deal with arson, including information on instituting arson programs, expanding arson awareness programs, and training packages; as well as hands-on assistance to States and local government.

I took the liberty of bringing with me this morning, Senator, a few of the publications that we have put out this year, on both the arson problem and the wildland problems.

Strong partnerships are crucial to the antiarson efforts at every level of government. At the Federal level, USFA has developed strong working relationships with other Federal agencies who have arson programs.

In conjunction with the Bureau of Alcohol, Tobacco and Firearms, USFA conducted arson research and education efforts on training and expert testimony, for arson investigators. Working with the U.S. Forest Service, USFA has worked to address the wildland arson fire problem.

In conjunction with the interdisciplinary National Wildlife Coordinating Group, and the Urban Wildland Interface Steering Committee, USFA produced a handbook, designed for use by wildland firefighters. This guide identifies observations that should be made by first-due firefighters in the wildland areas, and is designed to assist fire investigators in identifying evidence needed for the successful arson investigation and prosecution.

The committee also recognized that more and more people are building in the urban wildland areas. Although people cannot be prevented from moving to these scenic, but potentially dangerous, areas, the more information these homeowners have, the better their chances are of surviving a wildland fire.

To assist this public education effort, the committee has produced materials designed for homeowners, that explains the need to adopt recommended codes and standards, the use of firewise landscaping, firesafe buildings' design and material, and something we call defensible spacing. Public awareness efforts are ongoing, and new materials are being produced, to further educate those residing in the wildland urban interface.

Another example of interagency cooperation can be found in juvenile firesetter programs. As a primary cause of fire, the problem of juvenile firesetters has been addressed by the USFA and the Office of Juvenile Justice in the Department of Justice. A 5-year joint project dealing with this problem has just been completed, and the materials will be soon available for distribution.

At the national level, USFA works closely with the private sector and national organizations having an interest in arson matters. Recently, USFA signed a memorandum of understanding with the International Association of Arson Investigators, an organization with over 7,000 members. This partnership establishes concentrated effort in dealing with the arson problem throughout the

United States. USFA also works closely with the Insurance Committee on Arson Control, in developing arson mitigation programs.

Because arson is a local problem, the USFA has formed partnerships with arson-prone communities. These community-based partnerships focus on funding of community-based antiarson organizations, school-based fire and arson prevention programs, arson block watches, installation of smoke detectors in low-income housing, counseling for juvenile firesetters.

Through its courses and programs, the USFA's National Fire Academy works to enhance the ability of the fire service and allied professions to deal more effectively with arson instances. Thousands of local and State fire and law enforcement personnel have attended NFA's on-campus fire investigation arson investigation courses.

The National Fire Academy recently completed a new 6-day arson course for regional delivery across the country. This course teaches firefighters who are first on the scene, to determine the origin and cause of the fire, and to carefully preserve the fire scene to aid the investigator, that may lead to the prosecution of the arsonist. This course, for the structural firefighter, complements the approach we are taking to assist the fire investigators in dealing with and identifying and preserving evidence in the wildland fires.

Despite all of these efforts, the incident of arson is on the increase. Clearly, we must look for additional ways to fight the arson problem. Since we do not have the answers, research is the key. It is quite possible that research may turn up unexpected solutions to the arson problem.

Today, most arson training is reactive, and includes quick fixes to problems as they arise. We need to adopt a more empirical training approach that reflects current research and development, mitigation, and detection. Training will not work, if it does not successfully address the investigative techniques, and identify what motivates arsonists.

With the rapid change of technology, arson training must be on the cutting edge. Therefore, we need to pool our resources for research and development that can be applied through training.

Let me explain how the Federal agencies work to assist local and State officials in arson-related matters. The FBI, ATF, and other Federal agencies supplement local resources when unusual circumstances arise.

These Federal agencies, along with local and State experts, can provide USFA with the research needed in the investigative area. Based on this cumulative input, we can develop courses and guidelines to disseminate to the fire service and law enforcement personnel, as well as to the private sector.

For example, a joint effort is nearing completion, involving USFA, ATF, the FBI, the International Association of Chiefs of Police, and local authorities, in examining the relationship among gangs, drugs, and arson. The study focuses on the large cities, but the findings can be applied to any size community.

Another success story can be found in Lawrence, MA. For years, an arson problem plagued that community. In 1992, over 140 arson fires were set. In cooperation with the ATF, the State fire marshal, and State police, local fire and police officials, business and commu-

nity leaders, we put together a partnership to address the problem. As a result, the city of Lawrence instituted several arson prevention programs which led to a significant decrease in arson fires.

The lesson is clear. Working together, we can make a difference in the fight against arson.

Mr. Chairman, I appreciate the opportunity to appear today before this committee, to discuss this vexing National problem; and I would be very happy to answer any questions that you may have. Thank you.

[The prepared statement of Mr. Wall follows:]

#### PREPARED STATEMENT OF EDWARD M. WALL

Good morning Mr. Chairman and members of the subcommittee. As Deputy Administrator of the U.S. Fire Administration, it is an honor to appear before you today to testify on the country's arson problem.

I commend the subcommittee for focusing on this serious problem, especially in light of the recent devastating fires that destroyed approximately 200,000 acres in southern California.

As the State of California works to rebuild in the wake of the 1993 blazes that destroyed entire towns and neighborhoods, the Nation is looking closer than ever at the tremendous costs of arson.

This focus is critical. Arson continues to be the second leading cause of fire deaths in residences, and the leading cause of dollar loss from fires overall. The direct property loss due to arson averages \$1.6 billion each year. More importantly, arson maims and kills. Each year there are an estimated 332,300 arson fires nationwide resulting in approximately 4,000 injuries and 1,000 deaths—a figure which has increased 33 percent over the past ten years.

Unfortunately the arson problem is on the rise. Over the past three years, many of our communities have seen a marked increase in arson fires. In fact, arson is the leading cause for dollar losses per fire in the United States and accounts for nearly one dollar out of every four dollars lost to fire. The direct fire loss from arson runs into billions of dollars each year. The indirect dollar loss is even greater and results in widespread economic consequences.

Let me put these indirect arson losses into perspective. When a fire destroys a business, jobs are lost, either temporarily or permanently. The ripple effect continues as tax revenues are depleted and insurance rates increase for other businesses in the area. Beyond the economic costs, arson kills and wreaks havoc, often in the form of long-term emotional damage, on the lives of those who survive.

Although it is an issue that is brought to national attention only after a major catastrophe—such as occurred in California—arson prevention should be considered an investment in community preservation of lives, property, jobs, and emotional well-being. Toward this end, FEMA and the United States Fire Administration are dedicated to saving lives and reducing property losses from fire in the United States.

Since 1979, USFA has served as the focal point for federal arson control programs. In this capacity, USFA serves as facilitator and catalyst, helping the fire service community and other federal agencies develop the most efficient and effective programs and response strategies. USFA functions as both a resource and a clearinghouse, heightening arson awareness and providing instructional materials to assist the fire service community, State and local governments, and the private sector in the fight against arson.

USFA offers a variety of resources to deal with arson, including information on instituting arson programs, expanding arson awareness programs and training packages, as well as "hands on" technical assistance to State and local governments.

Strong partnerships are crucial to anti-arson efforts at every level of government. At the federal level, USFA has developed strong working relationships with other federal agencies who have arson programs. In conjunction with the Bureau of Alcohol, Tobacco, and Firearms (ATF), USFA conducted arson research and education efforts on training in expert testimony for arson investigators.

Working with the U.S. Forest Service, USFA has worked to address the wildland arson fire problem.

In conjunction with the interdisciplinary National Wildfire Coordinating Group and the urban/wildland interface steering committee, USFA produced a handbook designed for use by wildland firefighters. This guide identifies observations that should be made by firefighters in the wildland areas and is designed to assist fire



investigators in identifying evidence needed for successful arson investigations and prosecutions.

The committee also recognized that more and more people are building in the urban/wildland areas. Although people cannot be prevented from moving to these scenic, but potentially dangerous areas, the more information these homeowners have the better their chances are of surviving wildland fires. To assist in this public education effort, the committee has produced materials designed for homeowners that explain the need to adopt recommended codes and standards, the use of "firewise" landscaping, firesafe building design and materials, and defensible spacing. Public awareness efforts are ongoing and new materials are being produced to further educate those residing in wildland/urban interface areas.

Another example of interagency cooperation can be found in juvenile firesetting programs. As a primary cause of fire, the problem of juvenile firesetters has been addressed by USFA and the Office of Juvenile Justice in the Department of Justice. A 5-year joint project dealing with this problem has been completed, and materials will be available soon for distribution.

At the national level, USFA works closely with the private sector and national organizations having an interest in arson mitigation. Recently, USFA signed a memorandum of understanding with the International Association of Arson Investigators, an organization with over 7,000 members. This partnership establishes a concentrated effort in dealing with the arson problem throughout the United States. USFA also works closely with the insurance committee on arson control in developing arson mitigation programs.

Because arson is a local problem, USFA has also formed partnerships with arson-prone communities. These community-based partnerships focus on:

- Funding of community-based anti-arson organizations
- School-based fire and arson prevention programs
- Arson block watches
- Installation of smoke detectors in low-income housing
- Counseling for juvenile fire setters
- Community-wide analysis and response to arson
- Prosecution and legal systems support
- Management and organizational assistance to arson units
- Forming coalitions with public officials

Through its courses and programs, USFA's National Fire Academy (NFA) works to enhance the ability of the fire service and allied professionals to deal more effectively with arson incidents. Thousands of local and State fire and law enforcement personnel have attended NFA's on-campus "fire arson investigation" training course over the years.

The National Fire Academy (NFA) recently developed a new, 6-day arson course for regional delivery across the country. The course teaches firefighters who are first on the scene how to determine the origin and cause of the fire, and to carefully preserve the fire scene to aid in the investigation that may lead to the prosecution of arsonists. This course for structural fires complements the approach we're taking to assist fire investigators in identifying and preserving evidence in wildland fires.

Despite all these efforts, the incidence of arson fires is on the increase. Clearly, we must look for additional ways to fight the arson problem. Since we don't have the answers, research is the key. It is quite possible that research may turn up unexpected solutions to arson detection.

Today most arson training is reactive and includes "quick fixes" to problems as they arise. We need to adopt a more empirical training approach that reflects current research and development, mitigation and detection. Training won't work if it doesn't successfully address investigative techniques and identify what motivates arsonists. With the rapid changes in technology, arson training must be on the cutting edge. Therefore, we need to pool our resources for research and development that can be applied through training.

Let me explain how the federal agencies work to assist local and State officials in arson-related matters. The FBI, ATF, and other federal agencies supplement local resources when unusual circumstances arise. These federal agencies, along with local and State experts, can provide USFA with the research needed in the investigative area. Based on this cumulative input, USFA can develop courses and guidelines to disseminate to fire service and law enforcement personnel, as well as to the private sector.

For example, a joint effort is nearing completion involving USFA, ATF, the FBI, the International Association of Chiefs of Police, and local authorities in examining the relationship among gangs, drugs, and arson. The study focuses on large cities, but the findings can be applied to any size community.



Another success story can be found in Lawrence, Massachusetts. For years an arson problem plagued this community. In 1992, over 140 arson fires were set. In cooperation with the ATF, the State's fire marshal and State police, local fire and police officials, business and community leaders, we put together a partnership to address the problem. As a result, the city of Lawrence instituted several arson prevention programs which led to a significant decrease in arson fires.

The lesson is clear: working together, we can make a difference in the fight against arson.

Mr. Chairman, I appreciate the opportunity to appear today to discuss this vexing national problem. I would be happy to respond to any questions you or other panel members may have.

Senator BRYAN. Mr. Wall, thank you very much for your testimony. We will next hear from Dr. Icové.

**STATEMENT OF DR. DAVID ICOVE, DIRECTOR, ARSON AND BOMBING DIVISION, FEDERAL BUREAU OF INVESTIGATION**

Dr. ICOVE. Thank you, Mr. Chairman, and members of this committee. I am David Icové, and I serve as the Program Manager of the FBI's Arson and Bombing Investigative Services subunit, that is commonly referred to as ABIS.

ABIS is a subunit of the National Center for the Analysis of Violent Crime, which is located at our FBI Academy in Quantico, VA.

Mr. Chairman, for much of my adult life, I have been in the arson investigation field, and have experienced the areas of both the urban and rural settings, as a State, Federal, and local law enforcement officer.

In coming here today to testify, I was reminded of a quotation from a 1977 U.S. Department of Justice study on arson, which stated: "In modern times, arson, next to war is humanity's costliest act of violence."

And basically, the purpose of my testimony here today is to at least address the FBI's role in combating the crime of arson. A common theme in my testimony basically centers on the area of partnerships. I firmly believe that future reductions in the incidence of arson in this country can be directly related to the success of both public and private sector partnerships. And I refer to them as "innovative partnerships."

For example, ABIS was formed in a unique Federal partnership between the FBI and the Bureau of Alcohol, Tobacco and Firearms. ABIS now serves as a national resource center, which provides criminal profiles of arsonists to Federal, State, local, and foreign law enforcement agencies. Other services that ABIS also supplies to these requesting agencies are investigative techniques, interview strategies, prosecutorial assistance, testimony, specialized research, on-scene crime scene investigations, and innovative training programs.

All of the services that we provide at ABIS in this joint partnership between FBI and ATF are provided at no cost to the requesting agency.

In the areas of detection, enforcement, and training, the FBI's Uniform Crime-Reporting Program voluntarily accepts, and has been accepting, submissions of arson crime data and arrests from State and local law enforcement agencies.

Included in my formal statement is a trend analysis, which I completed, which traces the previous 5 years' statistics from the FBI Arson Reporting Program. These figures, though, definitely

serve as a benchmark, to show the fact that arson is a volatile problem within the United States; produces high financial costs; there are low clearance rates involved with the crime; that frequently, targeted properties appear again and again; and also emphasizes the youthful nature of the crime itself.

Federal jurisdiction, as you probably know, for investigating the crime of arson, falls under numerous Federal statutes, which I have also included in the testimony. Our FBI field offices traditionally pursue the crime of arson when it involves the investigation of white collar, organized property, or violent crime matters, as they appear.

However, absent Federal jurisdiction, the authority for ABIS to assist law enforcement and criminal justice agencies is provided under the FBI's guidelines in domestic and policy cooperation.

One unique partnership that we have is involving the Arson Information Management Systems. AIMS maintains an AIMS system project, in cooperation with the U.S. Fire Administration. The AIMS programs detects temporal and geographic patterns found in serial arson, bombing, and other types of violent crimes. The results of the AIMS computer analysis are incorporated into the criminal profiles that are provided back to the requesting agencies that ask for our assistance.

ABIS has also been working, together with several other U.S. Government interagency research projects, to further understand the geography of serial arson cases throughout the United States.

In conclusion, future reductions in the incidence of arson will be directly related, in part, to the success of both public and private sector agencies, to form innovative partnerships. With these partnerships will come a future and deeper understanding of the causes, precipitating factors and behavioral characteristics associated with this violent crime problem in the United States.

Moreover, it will enable law enforcement to develop these techniques and methods, to better address the crime of arson.

I thank you again, for the opportunity to appear before you; and I would be more than pleased to answer any questions that you might have.

[The prepared statement of Dr. Icové follows:]

#### PREPARED STATEMENT OF DR. DAVID J. ICOVÉ

Mr. Chairman and members of this committee, I am David J. Icové, Program Manager of the FBI's Arson and Bombing Investigative Services (ABIS), a subunit of the National Center for the Analysis of Violent Crime (NCAVC), located at the FBI Academy, Quantico, Virginia.

I am providing testimony today on the FBI's role in addressing the crime of arson. First, I will address the FBI's role in the detection, enforcement, and training as it relates to state and local governments; second, review areas where research and enhanced arson training have been identified as problem areas for arson investigators; and finally, review future areas in which empirical research is needed to enhance the chances of successful detection and prosecution of arson.

#### DETECTION ENFORCEMENT AND TRAINING

##### *Arson Detection*

A 1977 U.S. Department of Justice study on arson stated, "In modern times, arson, next to war, is humanity's costliest act of violence." Statistics to support this fact are quoted yearly by the FBI's Uniform Crime Reporting (UCR) Program, which accepts voluntary submissions of crime data on cases and arrests from state and local law enforcement agencies.

UCR figures serve as a benchmark to the volatile temperament of the problem, high financial costs, low case clearance rates, frequently targeted properties, and offender profiles. Table 1, attached to my statement, traces the previous 5-year trend as reflected in UCR Program statistics.

#### *Federal Jurisdiction*

Federal jurisdiction for investigating the crime of arson falls under several statutes, as shown in Table 2. FBI field offices traditionally pursue the crime of arson when it involves the investigation of white collar, organized, property, or violent crimes.

Absent Federal jurisdiction, the authority for the NCAVC to assist law enforcement and criminal justice agencies, is covered under the FBI's guidelines for domestic and foreign police cooperation. These guidelines include investigative, training, and research matters.

#### *Role of the NCAVC*

The UCR statistics clearly demonstrate that the crime of arson impacts upon property, loss of life, and is difficult to solve. Based upon this information, in 1984, the FBI included arson along with homicides, sexual assaults, and child molestation as the focus of the newly formed National Center for the Analysis of Violent Crime.

ABIS was formed after the creation of the NCAVC to address national problems associated with serial and exceptional arson cases. The NCAVC quickly learned that the analysis of several arson cases, which form a series, could lead to the identification of the person or persons most likely to start the fires, the motive, future targets, and which investigative techniques were most effective.

In an innovative move which recognized the overlapping jurisdictions and with a sincere desire to serve as a resource to local and state agencies, ABIS joined in a Federal partnership between the FBI and Bureau of Alcohol, Tobacco and Firearms (ATF). ABIS is now a national resource center which provides criminal investigative analyses ("profiles") of serial arsonists and bombers to Federal, state, local and foreign law enforcement agencies. Other ABIS services include identification of successful investigative techniques, interview strategies, prosecutorial assistance, testimony, specialized research, on-site crime scene assistance, and innovative training programs.

During the calendar year 1992, ABIS staff handled a total of 84 criminal cases, which involved 42 arson, 14 bombings, 12 threat assessments, 9 equivocal death assessments, and 7 other matters. Most of the arson and bombing cases were serial in nature, with each case involving multiple separate incidents. ATF requested direct assistance from ABIS in 17 of these cases. Written and verbal crime analyses were provided to requesting agencies, as well as on-site crime scene assistance in several high-visibility cases.

Requests for ABIS to perform a crime analysis are considered from any Federal, state, local, or foreign public safety fire or law enforcement agency having the responsibility for arson and bombing investigations. The following information is needed to perform the analysis: (1) a detailed spot map of the affected area with incidents numbered chronologically; (2) a chronological list of incidents with the date, day, and time of each event including a description of the target; (3) all police and/or fire reports in chronological order to correspond with the map and list; (4) a demographic description of the affected area; and (5) photographs, if applicable. There is no charge for the services provided.

Cases may be submitted to ABIS through any FBI or ATF field office, or they can be mailed directly to the NCAVC at: National Center for the Analysis of Violent Crime, Arson and Bombing Investigative Services Subunit, FBI Academy, Quantico, Virginia 22135.

#### *Training*

During 1992, ABIS conducted a total of 47 field schools in support of local and state agencies. Typical schools consist of the following topics: 1) Managing Serial Arson and Bombing Cases, 2) Investigative Techniques in Arson-for-Profit Cases, 3) Safeguarding Computer Centers, and 4) Fire Death Investigations.

ABIS also hosted a specialized training school at the FBI Academy for ATF and FBI field agents involved in serial arson and bombing cases. The training consisted of what services ABIS provides, motives, laboratory technology, the use of the NCAVC's Crime Classification Manual, and other relevant subjects. Also participating in this training were arson specialists from the U.S. Fire Administration (USFA), Emmitsburg, Maryland.

With input from several national arson policy committees, ABIS is developing a course in "Arson Unit Management," using the theme of Total Quality Management (TQM). A workshop held in 1991 by ABIS staff underscored the need to provide ade-

quate management training for supervisors of arson task forces. Again, the training is provided at no charge.

The FBI, along with other Federal, state, and local agencies met over the last two years with several national policy groups to assess the existing problems facing arson investigators. Many of the national policy recommendations related to projects currently being pursued or guided by the FBI's ABIS Subunit. These projects include:

- Professional standards of conduct;
- Encouragement to agencies to form Arson Task Forces;
- Advanced techniques to detect arson-for-profit;
- Development of arson unit management courses;
- Research into pre-incident indicators of riots;
- Development of models to understand the motives for arson;
- Research into drug and gang-related arson;
- National trend detection techniques using the Arson Information Management System (AIMS);
- Use of satellite teleconferencing and multimedia.

#### INNOVATIVE RESEARCH

##### *Research Initiatives*

The NCAVC determined early during its developmental years that, in many cases, research must be conducted by the actual practitioners. Due to rapidly changing technologies, crime trends, and new theories, we learned that fire investigators should take the initiative in conducting their own research. Furthermore, juries, judges, and prosecutors looked upon the fire investigators as being the "experts" in their field and often expected that their courtroom testimonies and experience should include the results of the latest research.

ABIS proactively researches information on serial arsonists and bombers, as well as conducts prison interviews of these offenders. To date, over 90 convicted offenders have been interviewed. Data gathered include information on childhood, education, motives, modus operandi, previous convictions, post offense behavior and many other factors. The data from this research are being analyzed with assistance from Central Missouri State University, and the results of this first major study of serial arsonists will be published in late 1993.

Also during 1992, ABIS staff conducted additional research on convicted arsonists responsible for fires aboard U.S. Navy ships. This study was undertaken by ABIS, with the cooperation of the U.S. Naval Criminal Investigative Service and the University of Central Missouri. The results of this study will also be published in 1993.

##### *Arson Information Management System*

The ABIS also maintains the Arson Information Management System (AIMS) project, which detects temporal and geographic patterns found in serial arson, bombing, and other types of violent crime. The results of the AIMS program are incorporated into criminal investigative analyses. ABIS has also been actively working on interagency research projects to further understand the geography of serial violent crime. These research efforts are in cooperation with the USFA, U.S. Geological Survey, Department of Agriculture, and several agencies of the U.S. Department of Defense.

#### A FUTURISTIC APPROACH TO THE ARSON PROBLEM

##### *Capturing Institutional Knowledge*

Areas of empirical research are needed to enhance the chances of successful detection and prosecution of arson. As more is learned about arson by the ABIS Subunit, the results of this institutional knowledge are being published in the NCAVC's Crime Classification Manual (CCM).

The CCM's chapter on arson provides law enforcement officers, fire investigators, probation officers, judges, mental health professionals, and researchers with the latest information available as to the motives, defining characteristics, crime scene indicators frequently noted, forensic findings, and items to be included in search warrants. Example incidents further illustrate case points.

##### *Behavioral Research*

In preparation for this testimony, a review of the latest research by Dr. Jeffrey L. Geller, a Psychiatrist with the University of Massachusetts Medical School, illustrates the essential questions to be asked regarding the future of arson. Dr. Geller identified the following issues that need to be addressed:

- Determine whether the term "pyromania" is valid in describing arsonists;

- Research the phenomenon of compulsive firesetting;
- Determine juvenile/adult arson linkages;
- Develop effective offender intervention procedures;
- Develop "risk profiles" for repeat offenders; and
- Develop effective public education programs.

#### Partnerships

In conclusion, future reductions in the incidence of arson will be related in large part to the success of both public and private sector agencies in forming innovative partnerships. With these partnerships will come a deeper understanding of the causes, precipitating factors, and behavioral characteristics associated with this violent crime problem. Moreover, it will enable law enforcement to develop those techniques and methods which can better address the crime of arson.

Thank you for the opportunity to appear here before you. I would be pleased to answer any questions which you may have.

**Table 1.—FBI Uniform Crime Reporting Program Statistics**

Variable	1987	1988	1989	1990	1991
Reporting agencies .....	12,810	12,367	12,750	12,695	11,845
Total offenses .....	102,410	101,097	99,950	102,875	99,784
Property:					
Structures .....	55%	55%	54%	54%	54%
Mobile .....	28%	26%	27%	27%	27%
Other .....	17%	19%	19%	19%	19%
Avg. monetary loss .....	\$10,755	\$12,467	\$13,078	\$13,708	\$11,980
Arrests (est.) .....	18,000	19,700	18,600	19,100	20,000
Age:					
Adult .....	60%	57%	57%	56%	53%
Juvenile .....	40%	43%	43%	44%	47%
Sex:					
Male .....	86%	87%	86%	87%	87%
Female .....	14%	13%	14%	13%	13%
Race:					
White .....	73%	73%	74%	75%	77%
Black .....	26%	25%	25%	23%	21%
Other .....	1%	2%	1%	2%	2%
Case clearance rate .....	16%	15%	15%	15%	16%

Source. Crime in the U.S., 1987-91, Federal Bureau of Investigation, Washington, DC.

**TABLE 2.—FEDERAL ARSON/BOMBING STATUTES**

- Title 18, USC, Sections 7 and 13—Crimes on government reservations. Includes Title 18, USC, Section 81 (arson) and Title 18, USC, Section 1363 (destroying or injuring buildings or property).
- Title 18, USC, Sections 31-35—Destruction by fire or explosives of aircraft or motor vehicles and their facilities.
- Title 18, USC, Section 81—Arson within maritime and territorial jurisdiction.
- Title 18, USC, Section 247. Damaging religious property.
- Title 18, USC, Sections 841-843—Unlawful importation, manufacture, distribution, or storage of explosives.
- Title 18, USC, Section 844. Bomb threats, explosives and incendiary devices, and arson.
- Title 18, USC, Sections 876(a)-(d) and 877(a)-(d)—Mailing threatening communications.
- Title 18, USC, Sections 1151-1153. Arson on Indian reservations.
- Title 18, USC, Section 1341—Mail fraud.
- Title 18, USC, Section 1342—Providing fictitious name or address during fraudulent activity (US PS Violation).
- Title 18, USC, Section 1361—Destruction of government property.
- Title 18, USC, Section 1366. Damaging energy facility property.
- Title 18, USC, Section 1716—Nonmailable injurious articles (explosives or incendiary devices, infernal machines).
- Title 18, USC, Sections 1855-1856—Timber set afire.
- Title 18, USC, Section 1951. Use or threats of physical violence to persons or property by extortion affecting interstate commerce.

- Title 18, USC, Section 1952—Arson associated with the interstate transportation in aid of racketeering.
- Title 18, USC, Section 1961 et seq. Racketeer influenced and corrupt organizations.
- Title 18, USC, Section 1992—Destruction by fire or explosives of railway property or facilities.
- Title 18, USC, Sections 2101-2102; and Chapter 12, Sections 231-233—Act of violence in furtherance of a riot; use, teaching, transporting, or demonstrating an explosive or incendiary device in connection with a riot or civil disorder.
- Title 18, USC, Sections 2151-2156; Title 50, USC, Section 797—Sabotage by arson or explosives of national defense materials, utilities, aircraft, or war premises.
- Title 18, USC, Sections 2271-2279—Shipping: conspiracy to destroy a vessel, destruction of a vessel, and explosives aboard vessels. False reports are covered by Title 18, USC, Section 35.
- Title 18, USC, Section 2284—Sabotage by destruction or damage of nuclear facilities or fuel.
- Title 26, USC, Section 5861(d)-(f)—Unlawful manufacture, possession, or transfer of a destructive device.
- Title 42, USC, Section 3631. Discrimination in housing by criminal interference by force or threat of force.
- Title 49, USC, Section 1472(l) and (m)—Carrying explosives or incendiary devices aboard an aircraft; and threats.

Senator BRYAN. Dr. Icové, we thank you very much for sharing that testimony with the subcommittee. We will have questions in a moment. Let me first invite testimony from Mr. Brown now.

**STATEMENT OF JAMES L. BROWN, CHIEF OF EXPLOSIVES DIVISION, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS**

Mr. BROWN. Mr. Chairman, I am James L. Brown, the Chief of the Explosives Division for the Bureau of Alcohol, Tobacco and Firearms. It is a pleasure to be here today to discuss ATF's initiatives in the enforcement of the Federal arson laws.

Congress clearly defined ATF's jurisdictional role in the investigation of arson crimes with the passage of the Anti-Arson Act of 1982. In promoting its role, ATF spearheaded the drive to coordinate enforcement efforts among Federal, State, and local agencies, and make the maximum use of available resources in order to impact and facilitate the investigation of arson-for-profit schemes and other arson-related crimes having a significant community impact.

While many of the resources for combating arson are vested with the Federal Government, the most important resources are at the State and local levels. In order to bring these Federal, State, and local arson investigators together as a cohesive team, the arson task force concept was developed. ATF now has formal arson task forces in 15 major metropolitan cities across the country, the member agencies each bringing certain talents and capabilities that aid in the investigations.

The success of the task force concept was clearly demonstrated earlier this year in Seattle, WA, which was plagued by serial arsonists responsible for over 110 fires that caused over \$10 million in damage. The task force, which pursued hundreds of leads and conducted numerous interviews ultimately identified the perpetrator. He has been sentenced to 75 years in prison.

More recent evidence of the effectiveness of these task forces can be seen in southern California where 27 wildland fires consumed an estimated 200,000 acres, destroyed approximately 1,500 homes and structures, and killed 3 individuals. ATF offered its assistance and spearheaded the formation of a task force represented by 15 Federal, State, and local agencies to investigate the incidents.

Further investigation and the recovery of a threat letter purporting that fires would be set in retaliation for alleged Government prosecution subsequently led to the identification of a suspect. He has been arrested and is in custody on Federal charges of issuing threatening communications.

An extension of the task force concept is our national response team or the NRT. The NRT is made up of four specialized teams organized geographically to respond within 24 hours to any scene of a major fire or bombing. This response capability is the only one of its kind offered by a Federal law enforcement agency.

The team works alongside State and local officers in reconstructing the scene, identifying the origin of fire, conducting interviews, and shifting through debris to obtain evidence. The effectiveness of the NRT and the expertise of team members was most evident in the recent response to the World Trade Center bombing.

The detection of evidence is also vital to the success of an arson investigation. Accelerant detecting canines placed with State and local agencies to support their arson investigation activities have proved invaluable in this regard. These canines, which have been trained and certified by ATF, are a product of the joint ATF and Connecticut State Police training initiative.

Continuing efforts to combat arson include criminal investigative analyses, which are provided by ATF agents assigned to the National Center for the Analysis of Violent Crime in Quantico, VA. These agents are trained in the techniques of preparing analyses on serial arsonists to assist law enforcement in identifying possible suspects based on characteristics particular to fires.

The initiative that has put ATF in the forefront of arson investigation is its certified fire investigator program. As a result of this rigorous special agent training program, ATF has the only group of fire cause and origin specialists available within the Federal sector. This cadre of agents also gives ATF the ability to support State and local cause and origin determinations throughout the United States with a degree of expertise that is unmatched in Federal law enforcement. These accomplishments notwithstanding, the CFI program would not be what it is today without the knowledge derived from ATF's counterparts at the State and local level.

ATF has long been committed to promoting an advanced level of expertise through training. Toward this end ATF, in conjunction with the International Association of Arson Investigators and the U.S. Fire Administration, has developed training programs that enhance the skills of State and local investigators in arson-related crimes, both at the scene and in the courtroom.

They also acquaint Federal and State prosecutors with legal considerations necessary to successfully prosecute arson cases and familiarize insurance industry personnel with the intricacies of an arson-for-profit crime. To date, these programs have been attended by over 2,000 individuals.

ATF is seeking to expand the number of individuals who receive this specialized training program through programs that can be taken on the road. The Bureau of Justice assistance is aiding ATF in this regard through a grant for the development of an arson-for-profit training program for prosecutors. ATF has also developed its own such training program for State and local officers.



To effectively address the crime of arson in society, an accurate scope of the problem must be identified, which has a direct impact on funding levels and manpower allocations. The public and Government officials must be educated to the fact that arson is a violent crime, training must be increased, and research must be conducted.

ATF has undertaken such a research project with the U.S. Fire Administration to examine the relationship between arson and narcotics-related crimes. A comprehensive report on this project is scheduled for release in April 1994.

But instrumental to the success of these efforts will be the continued exchange of information and expertise to enable the development of comprehensive programs and investigative strategies. ATF is committed to this combined effort and will continue to direct its resources where they will have the most impact.

Again, I appreciate the invitation to appear before the committee today and would be happy to answer any questions with regard to ATF's efforts in the arson enforcement area.

[The prepared statement of Mr. Brown follows:]

#### PREPARED STATEMENT OF JAMES L. BROWN

The role of the Bureau of Alcohol, Tobacco and Firearms (ATF) in assisting state and local authorities in their efforts to reduce the incidence of arson in society was firmly established in 1982. Until that year, ATF had investigated arson under the guideline that a flammable liquid capable of producing an explosive mixture at ambient temperature must have been used to accelerate a fire. In some federal jurisdictions, this theory was upheld; in others it was not. Consequently, legislation was introduced, in what is now known as the Anti-Arson Act of 1982, that added the words "or fire" to the existing explosives statute.

ATF is committed to bringing the full force of its enforcement authority to bear against those who perpetrate the crime. In FY 1993, ATF conducted formal investigations of 534 arson fires that resulted in 142 deaths, 183 injuries, and \$315 million in property damage. ATF also recommended 268 cases for prosecution that involved 491 defendants.

Arson is a nondiscriminating crime. It transcends jurisdictional boundaries while its perpetrators often transcend geographical boundaries. The magnitude of the arson problem nationwide precludes any one agency from effectively addressing the problem. However, one of the more successful weapons used to impact the crime of arson is the arson task force concept, which involves the pooling of ATF and state and local talents and resources to attack arson in areas experiencing significant problems.

Currently, ATF has formal task forces established in the cities of Seattle, San Francisco, Houston, Los Angeles, Chicago, Boston, New Orleans, New York, Philadelphia, Pittsburgh, Kansas City, Newark, Dallas, Detroit, and Washington, DC. In fact, 33 percent of ATF's criminal arson cases are initiated by the task forces.

Each task force is unique in configuration, reflecting such varying factors as environment, manpower, and management techniques. The typical task force is comprised of ATF special agents and arson investigators from police and/or fire service agencies. In addition, the U.S. attorney's office and the local prosecutor are included from the outset and are available to the task force during each step of the investigation.

A key member of the task force is the ATF auditor. In that the crimes targeted by the task forces center on and incidents involving profit-motivated schemes, the auditors' skills are needed. Their expertise in this regard has proved very valuable, as 82 percent of their time is dedicated to arson-for-profit cases.

Currently, ATF has 45 auditors nationwide. In addition to the formal task forces, each ATF field division has special agents who are trained in advanced arson investigative techniques and capable of providing investigative assistance to state and local fire investigators.

The implementation of the task force concept has proved vital to the swift identification and prosecution of those responsible. Such was the case earlier this year in Seattle, Washington, which was plagued by a serial arsonist responsible for over 110



fires. The task force, which pursued hundreds of leads and conducted a myriad of interviews, ultimately identified the perpetrator. He has been sentenced to 75 years' imprisonment.

The task force concept has again proved successful, this time in southern California, where 8,000 firefighters fought to contain 27 wildland fires that ultimately consumed an estimated 200,000 acres, destroyed approximately 1,530 homes and structures, and killed 3 individuals. ATF offered its assistance and spearheaded the formation of a task force to investigate the incidents. Consequently, evidence of arson was discovered. Further investigation and the recovery of a threat letter purporting that fires would be set in retaliation for alleged government prosecution subsequently led to the identification of a suspect. He has been arrested and is in custody on the federal charge of issuing threatening communications.

ATF's past and continuing efforts to combat arson also include the use of the national response team (NRT). The immediate deployment of a highly trained and specialized team of agents and support personnel to the scene of a major arson has proved to be extremely effective.

This response capability consists of four teams based in the northeast, midwest, southeast, and western sections of the United States. Each team can respond within 24 hours to assist state and local law enforcement and fire service personnel in on-site investigations. This specialized concept is the only one of its kind offered by a federal law enforcement agency. The effectiveness of this concept and the expertise of team members were most evident in the response to the World Trade Center bombing.

Each team is composed of veteran special agents having postblast and fire cause and origin expertise, forensic chemists, and explosives technology experts. The team works alongside state and local officers in reconstructing the scene, identifying the origin of the fire, conducting interviews, and sifting through debris to obtain evidence. At the disposal of the teams are 32 fully equipped response vehicles strategically located throughout the United States.

Accelerant-detecting canines have also proved to be an invaluable tool to arson investigators. These canines are a product of a joint ATF/Connecticut State Police training initiative that resulted in the development and standardization of methodologies to hone the accelerant identification/discrimination capabilities of canines. The accelerant-detecting canines, 29 of which have been trained, are placed with state and local agencies to support their arson investigation activities. These canines may also be called upon to support the efforts of the NRT. Over the next 2½ years, an additional 30 canines are to be trained.

Criminal investigative analysis is another technique used by ATF in furtherance of its arson enforcement initiatives. ATF agents assigned to the FBI's National Center for the Analysis of Violent Crime (NCAVC) are trained in the techniques of preparing analyses on serial arsonists to assist law enforcement in identifying possible suspects based on characteristics particular to fires. Related concepts of these analyses can also be successfully applied to other areas such as investigative and prosecutorial strategies, and suspect interviewing techniques. Currently, a major proportion of arson cases submitted to the NCAVC are being completed by ATF.

The initiative that has put ATF to the forefront of arson investigation is its certified fire investigator (CFI) program. Through this program, ATF provides experience, training, and education to selected special agents to enable them to determine fire cause and present their findings and opinions in court in a credible manner.

Today, there are 56 CFI's stationed throughout the United States. In 1993, these men and women participated in approximately 1,700 fire scene examinations involving 127 fatalities, 374 injuries, and \$317 million in damages. The vast majority of these incidents were examined in response to requests for assistance from state and local authorities.

Their expertise now acknowledged, the CFI's have increasingly been requested to assist in fireground investigations, serve as consultants for criminal prosecutions, or act as instructors. The CFI's have responded as requested to assist law enforcement in the aftermath of the Los Angeles riots, as well as participate in many arson task force operations across the country.

ATF's accomplishments in this area notwithstanding, the CFI program would not be what it is without the training and knowledge derived from ATF's state and local counterparts. ATF seeks to combine this knowledge with that of the scientific and educational communities, and ultimately share what is learned through training and continued close working relationships.

ATF has long been committed to promoting an advanced level of expertise through training. In the last 10 years, ATF has developed and implemented a number of innovative training programs. These programs are continually monitored and updated as practical and as scientific knowledge dictates. To date, over 2,000 state and local

law enforcement officers, fire investigators, insurance industry personnel, and federal and state prosecutors have attended these training programs.

One such program is the advanced arson-for-profit training course for state and local officers. This 2-week course, unavailable anywhere else, offers unique, state-of-the-art training involving indepth investigations into arson-for-profit cases beyond the cause and origin determination.

A second program is the arson-for-profit for prosecutors training course. This 1-week course was designed to educate prosecutors at both the federal and the state level on the crime of arson. The course acquaints the prosecutor with the cause and origin determination of a fire as well as the legal considerations necessary to successfully prosecute a case that is based primarily on circumstantial evidence.

A third program is the arson-for-profit training course for insurance industry personnel. This 1-week course is designed to familiarize insurance personnel with ATF's arson task force concept and the intricacies of investigating an arson-for-profit crime.

A fourth program, the advanced cause and origin/courtroom techniques, offers a more advanced training program to state and local officers. This course, developed under a cooperative agreement with the U.S. Fire Administration during FY92, focuses on highly sophisticated elements of fire cause and origin determinations beyond the basic level and on the improvement of testimony. Arson investigators are also instructed in expert testimony/qualification, courtroom demeanor, and the proper use of demonstrative evidence. This program will be further enhanced by the recent legislation approving funding for a reburnable building at the federal law enforcement training center.

An added feature to ATF's training programs is a mobility factor. With the exception of the advanced cause and origin/courtroom techniques course, which requires specific training aids, the training programs can be presented at any location. Aiding ATF in this regard is a grant received from the Bureau of Justice assistance for the development of an arson-for-profit training program that can be taken "on the road" for prosecutors located throughout the United States. Similar plans are being considered to conduct localized training for insurance industry personnel and state and local officers. Such a program has in fact been developed for the latter, and is pending implementation.

During the past year, ATF representatives were invited to participate in two separate national forums to focus on specific issues confronting effective arson control efforts and to establish a consensus on the direction possible solutions might take. Three common themes emerged from the forums. First was the need to identify the scope of the arson problem. It is universally recognized in the law enforcement and fire service communities that the lack of accurate statistics on the scope of arson in the United States is a major problem. Funding levels and manpower allocations are dependent upon an ability to accurately portray the problem statistically. Second was the need to educate the general public, including legislative bodies, to the fact that arson is a violent crime and not simply a property crime or an insurance industry problem. Third was the undeniable need for increased training at all levels of enforcement—federal, state, and local—to effectively combat the arson problem.

Investigative history has shown that the arsonist is motivated by any number of factors and that arson, as a tool of criminality, is used in conjunction with a wide variety of criminal activities, to include burglary, theft, homicide, and money laundering.

ATF, in cooperation with the U.S. Fire Administration and under the auspices of the International Association of Chiefs of Police, Arson/Explosives Steering Committee, undertook a research initiative to examine the issue of narcotics-related arsons. Based on the premise that arson was being utilized in furtherance of illicit drug trade activity, a survey tool was developed by ATF, researchers from the Virginia Commonwealth University, and representatives from five targeted cities across the country. ATF agents working cooperatively with the Los Angeles Fire Department, the Chicago Police Department, the Philadelphia Fire Department, the Kansas City Police Department, and the New Haven Fire Department implemented the survey in November 1992.

An interim survey report on this research project indicated that 22 percent of the reported arsons in the targeted cities were narcotics related. The project was concluded on November 15, 1993, the results of which will be published in a report that is scheduled for release in April 1994.

Research of this nature serves to equip state and local authorities tasked with investigating these crimes with the knowledge of the range of arson as a criminal tool and further enables the development of comprehensive programs and investigative strategies.

ATF supports and encourages joint research efforts such as this, as it is our belief that these efforts are required to effectively address the current and future investigative and training needs encountered in confronting the arson problem.

The successful prosecution of an arsonist rests in the abilities of the arson investigators and quite often on his/her courtroom presentation. The skills and expertise necessary to successfully meet this challenge are acquired through effective training and education. Empirical research into fire phenomena, heat and smoke flow, fire spread, product combustibility, compartment air flow, and countless other variables that contribute to the "why's" of fire action would assist the fire investigator in being effective in today's courtroom.

Senator BRYAN. Mr. Brown, we thank you for your testimony. Mr. Wall, perhaps first could you kind of give us an update on the Southern California situation in terms of the disaster relief and where you are in terms of any efforts in that part of the country?

Mr. WALL. Well, with your permission, Senator, I would turn to my colleague who is more familiar with that particular aspect.

Senator BRYAN. We would be delighted to hear from you. Thank you.

Ms. MRAVCAK. Thank you, Mr. Chairman. On October 28, 1993, the President declared the southern California fire as a major disaster and made assistance available in six counties, Los Angeles, Orange, Riverside, San Diego, Ventura, and San Bernardino Counties.

Disaster assistance is available both for individuals and families, and public assistance—that is assistance to State and local governments for repair and replacement of damaged facilities.

At the current time, and these figures are as of yesterday, in the individual assistance arena applicants for disaster housing, the temporary housing program, now number 1,524. Of those 1,128 have been assisted by insurance and FEMA funds. FEMA program costs to date are \$1.7 million.

The Small Business Administration, which provides disaster loan assistance has issued 2,410 loan applications and approved 131 loans for \$9 million. Of these, 21 are for business loans, \$2.6 million, 3 are for economic injury, \$22,300, and the rest are home loans.

The Individual and Family Grant Program is also available to those who are unable to obtain an SBA disaster loan or assistance from other means, and we have information that about 150 of those have been approved so far.

Senator BRYAN. Do you have any estimate as to what the costs are ultimately going to be?

Ms. MRAVCAK. No, sir, we do not have the completed estimates at this point in time.

Senator BRYAN. Let me just compliment you. Oftentimes you hear a lot of criticism, but I think that the response has been quite good.

Ms. MRAVCAK. Thank you, sir. That has also been a cooperative effort between the State government, the local governments, the insurance industry, the State insurance commission, and FEMA has enjoyed an outstanding amount of coordination and participation by everyone concerned. We thank you for your compliments.

Senator BRYAN. You are all to be commended. Let me ask a question that will help me understand the jurisdictional interplay.

I know you have attached a schedule, Dr. Icové, in terms of what Federal jurisdiction consisted of under the various provisions of the

U.S. code, but in this California arson situation which is most recent and very graphic to all of us, tell me the role that each of you play.

Let me take it from Mr. Brown, then to Dr. Iove, and then back to Mr. Wall. Mr. Brown, what role have you played at all in the arson problem in California?

Mr. BROWN. As I indicated in my previous testimony, ATF has spearheaded the development of a task force in Southern California involving 15 other Federal, State, and local agencies to investigate the actual fires. Our jurisdiction is derived from 18 U.S.C. 844(i) in which we have primary jurisdiction in most arson cases which involve an interstate aspect. The FBI is also involved in the task force as well as the U.S. Forest Service. The others are local and State fire investigative services in California.

Senator BRYAN. So, all law enforcement agencies, including other Federal law enforcement agencies, are involved in this task force?

Mr. BROWN. Yes, sir.

Senator BRYAN. And what authority do you have? I mean aside from the task force and the coordination, do you have any particular authority to provide specific assistance other than coordinating the effort? What resources if any do you bring to bear?

Mr. BROWN. Well, we're coordinating the efforts as well as providing special agents with that expertise. We have up to at least 20 people assigned to the task force, depending on the needs and so forth, so we're primarily dedicating manpower resources, actually setting up the task force, and coordinating with the State and local agencies.

Senator BRYAN. But I mean you actually provide specialized expertise? Obviously you have some experience in this. I mean, do you bring in effect experts onto the scene to work with local law enforcement?

Mr. BROWN. Yes, sir. We have used our certified fire investigators to actually examine and process some of the arson scenes.

Senator BRYAN. Dr. Iove, how about the FBI?

Dr. ICOVE. The FBI, as I previously mentioned, has a domestic and foreign police cooperation statutes which basically allow us to, at the request of a State, local, or a foreign law enforcement agency, provide assistance and guidance during that investigation.

We were fortunate that the task force did request assistance from the national center, and we flew out there immediately both one of our arson specialists and an ATF agent that is assigned to the center as a team.

And this partnership went out and provided to the task force an overall assessment of the property that has been burned. They provided some investigative techniques, provided interview strategies that may be effective, as well as any other types of prosecutorial assistance which may be rendered in the future.

Senator BRYAN. If you could differentiate for me what type of expertise do you provide in this type of situation, say, that Mr. Brown and ATF would not provide?

Dr. ICOVE. Well, our major area that we do is what we call criminal investigative analysis, which is commonly referred to as profiling. What we do is we take the fires, how they are set, and compare them to the research studies that we have had in the past

and generate a composite personality profile of the type of offender who would have committed crimes like that.

These analyses or profiles are based upon studies that we do, of interviewing convicted felons involving arson and bombing cases. We have interviewed 90 of the most notorious serial arsonists in the United States in prison interviews, and from them extracted information that would lead, especially in this case, to swift detection and apprehension of the person responsible.

Some of the questions that we asked to the interviewees in this voluntary study in the prisons are questions like, How did you get caught? How did you evade detection from law enforcement for such a long period of time? And what would you have done to create a scenario to have prevented people like you in the future from committing these types of crimes?

Also, what interview and interrogation techniques caused that individual to admit complicity in the crime or provoke an admission of guilt or confession. These techniques and this research are directly rolled back into the knowledge supplied by these teams as they meet the scenes.

Also, the FBI representative that went out on the team is a former chief law enforcement officer for the California Department of Forestry, so he knew very well the wildland fire issues in the area, he knew the players involved in the task force, and brought with him the expertise that he has learned since then in developing these profiles in teams with the FBI and the ATF.

Senator BRYAN. Dr. Icove, if you can encapsulate for us, where do we stand on these various investigations? How many of the fires are arson suspected? If you know how many have been cleared by arrest, how many are outstanding? And to the extent that that information may not be privileged, can you share with us your understanding if you have that data?

Dr. ICOVE. I do not have that data, but what I can do is point out the UCR statistics that show up yearly showing the fact that approximately 25 percent of the arson fires reported in the United States are related in some way to wildland fires, and these are the ones that are detected. And close to 20 percent, the other 25 percent are motor vehicles, and the other 50 percent structures.

The problem with wildland fires is basically a detection problem, detecting through an investigation that an actual crime has been committed. But we were able in past not to effectively pursue serial arson cases involving forest fires and wildland fires until we hired this specialist from California to be placed on the team and is an active role player in a lot of the research, training, and operational support that is provided by the national center.

Senator BRYAN. Mr. Wall, aside from the disaster relief function that we have heard some testimony on, explain if you will to me your role as an agency working as part of this task force operation what skills, what type of expertise do you bring to this team concept that would not be part of the FBI or the ATF?

Mr. WALL. Well, as you know, Senator, we are not a regulatory or an enforcement agency, but our relationship with California has been long-term and ongoing. California is fairly unique in that they have one of the better fire protection rates and one of the Nation's worst arson problems.

In 1991, about 28 percent of all fires reported in the State were incendiary suspicious or arson. We are a small organization, and what we try to do is act as a catalyst with other agencies.

In the particular instance of the fires that recently ripped through Southern California, we had a person at the Office of Emergency Services command post in Riverside as liaison who kept us informed of what was going on.

But our principal resources are in training and in technical assistance to State and local. We will go in after a fire, such as the Oakland fire, and in cooperation with other agencies do a lessons learned, not from the point of view of determining fire cause or determining criminal intent, but to highlight the strategy and tactics that were employed in suppressing the fire and how other agencies can learn and pick up from that.

As I said, our relationship with the wildland has been long going. Since 1985 we have been the sole supporter of an initiative within the national wildfire coordinating group to sponsor the urban-wildland interface, to look at those problems that are caused by people bringing their homes in rural or forested areas and then expecting the same services that they had in the city where they previously lived.

And it was ironic that part of the team that we were working with was in Ontario, CA, the week before the fire setting up a training film that we are doing for landscape architects to try to influence them to market plants that are less combustible as home plantings. They had gone through the Malibu Beach area to photograph it, to show the problems of the overgrowth in Malibu.

The week after that, they went through and did a before and after. It is going to be a very unique training program that will bring out, I think, in very stark contrast how houses survived that did have defensive zones around them, and homeowners who were careless about cutting back their plantings lost their homes to fire.

One of the things that I noticed when we were looking at CNN was at many times they attributed a house that was saved to a capricious act of the wind. And from our point of view, looking at the aerial photographs, we saw the real reason was the person had taken steps to protect their house. They did not have combustible roofing. They had masonry exteriors. They usually had double-pane windows, and they had a 30-foot cleared perimeter around their house. So, it was not a capricious act of the wind or the All Mighty that protected the house, it was a homeowner who used common sense.

Our expertise is more in the technical area of how to prevent fires rather than in the criminal investigation area, sir.

Senator BRYAN. I am somewhat familiar with that up at Lake Tahoe. In the northern part of Nevada there is a defensible space concept, which not necessarily arson-related, although it would certainly be of assistance even if it were an arson-related situation, in which homeowners are encouraged to keep a certain area from their home—I mean, clear it from underbrush, the type of thing that makes it much more difficult to control fire when it does invade those urbanized areas, and so I am familiar with that concept.



Mr. WALL. It really does not matter how the fire begins. If you have taken steps to protect your property and your life, you are going to survive and the other chap is not.

Senator BRYAN. Gentlemen and ladies, I appreciate very much your testimony this morning. We thank you for being here, and we will obviously follow up with this legislative program and hope to provide some additional assistance for you in your efforts.

Our second distinguished panel consists of Frank McGarry, State Fire Administrator of the State of New York, Mr. Robert Whitemore, president of the International Association of Arson Investigators, Mr. Gary Togle, the director of public fire protection, a division of the National Fire Protection Association.

Let me extend an invitation to each of you to take your appropriate place there, and once you get situated, Mr. McGarry, we will hear from you first, and for the record your full statements are made a part of these proceedings.

### STATEMENT OF FRANK McGARRY, STATE FIRE ADMINISTRATOR, STATE OF NEW YORK

Mr. McGARRY. Mr. Chairman, my name is Francis A. McGarry. I am president of the National Association of State Fire Marshalls and have served as State Fire Administrator for the State of New York for the past 14 years.

The frightening events in California remind us of the terrible force of fire. Witnesses have told the subcommittee about the people who intentionally set more than one-half of those fires. Other witnesses described the incredible destruction of the property from those fires.

Arson certainly is a crime against property, but Mr. Chairman, I would like to talk about arson as murder. Early one morning in March 1990, 26 women and 61 men were murdered in perhaps 10 minutes by an angry man with 1 dollar's worth of gasoline.

The scene was The Happy Land Social Club, a small, two-story brick building on Southern Boulevard in the Bronx. The club never should have been open. Indeed, city inspectors had tried to shut it down because the building lacked the most basic of safety measures. It had one narrow entrance, bars on the windows, doors chained shut, no exit lights.

Julio Gonzalez had been to the club earlier in the evening to visit an exgirlfriend who worked there. An argument ensued. He was ejected, and he vowed revenge.

Returning a few hours later, Gonzalez poured a gallon of gasoline in the one entrance and ignited the fumes. The smoke from the fire spread so rapidly that most of the 87 men and women were found dead at their tables as if they were asleep.

It took firefighters about 3 minutes to arrive, and just about 5 minutes to control the flames, though because of the intensity of the smoke 38 firefighters were injured. Four people escaped, including, ironically, Gonzalez' exgirlfriend, the target of his rage.

Within hours, an investigator from my office, Richard Rogozinski, arrived at the club with a dog trained to detect accelerants—that is, substances like gasoline typically used by arsonists. An arrest was quickly made, and Mr. Gonzalez was convicted of 174 counts of murder, two for each person killed. He is now in prison.

But unlike the California fires, which burned for days, the Happy Land Social Club fire burned for minutes. Unlike California fires, little property was destroyed, and relatively few firefighters were required, but most unlike the California fires, the Happy Lands Social Club was primarily a killer.

Mr. Chairman, we can agree that in a majority of the cases arson is vicious, but in so many other ways it defies these generalities. Arson is a crime against both lives and property. Arsonists range from toddlers to drug gang leaders to, most regrettably, in some cases firefighters.

Arsonists set fires for revenge, profit, to conceal other crimes, or because of mental illness. Sometimes, arson is easily detected and prosecuted. Mostly, it is not. Our national statistics grossly underreport the number of arson cases because the fire counts for arson only when someone is formally charged.

Ordinarily, Mr. Chairman, I appear before Congress to ask that something be done. In this instance, however, I wish to thank you for something you have already done. You have introduced and are aggressively seeking passage of the Arson Prevention Act of 1993.

Your legislation will enable the social scientists and others to take a hard look at the 10 areas in desperate need of research. They include fraud, juvenile firesetting, arson, and domestic violence, the use of arson by drug gangs, arson in civil unrest, remembering places like Los Angeles.

The bill will encourage greater efficiency and effectiveness among those involved in arson prevention and control through improved training, certification, management, and interagency cooperation, and even rural arson will get special attention.

Mr. Chairman, you and Congressman Boucher have been honored as Legislator of the Year by the Congressional Fire Services Caucus, but I hope and believe that you and Mr. Boucher will be remembered far longer for this important legislation.

I have one overriding concern. The Arson Prevention Act of 1993 must be fully funded to have any effect. The overall cost, spread over 3 fiscal years, is quite modest at \$10 million. We have never argued for much more than that.

The U.S. Fire Administration is possibly the smallest agency in the entire Federal galaxy. Requiring USFA to somehow find the money to fund this act would be, at best, cynical.

We are aware, Mr. Chairman, that the Appropriations Committee handles the money and that Congress intends to reduce the deficit, but on behalf of all 51 of this Nation's chief fire officials, 1 for each State and the District of Columbia, I respectfully request that you fight for true funding for this bill just as hard as we fight the arsonists from the chaparrals of California to the boulevards and back alleys of the Bronx.

Thank you, Mr. Chairman.

[The prepared statement of Mr. McGarry follows:]

#### PREPARED STATEMENT OF FRANCIS A. MCGARRY

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half of those fires. Other witnesses will describe the incredible destruction of property from those fires. Arson certainly is a crime against property.

But, Mr. Chairman, I would like to talk about arson as murder.

Early one Sunday morning in March of 1990, 26 women and 61 men were murdered in perhaps ten minutes by an angry, man with a dollar's worth of gasoline.

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Mr. Chairman, we can agree that in the majority of cases, arson is vicious. But, in so many other ways, it defies generalities.

Arson is a crime against both lives and property. Arsonists range from toddlers to drug gang leaders to—most regrettably—some fire fighters. Arsonists set fires for revenge, profit, to conceal other crimes, and because of mental illness.

Sometimes arson is easily detected and prosecuted. Mostly, it is not. Our national statistics grossly under-report the number of arson cases because a fire counts as arson only when someone is formally charged.

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We are aware, Mr. Chairman, that the Appropriations Committee handles the money and that Congress intends to reduce the deficit.

But, on behalf of all 50 of this nation's chief state fire officials, I respectfully request that you fight for true funding of this bill just as hard as we fight arsonists from the chaparrals of California to the back alleys of the Bronx.

Thank you.

Senator BRYAN. Mr. McGarry, thank you very much for your testimony. Let me assure you that commitment exists with this subcommittee to make that fight for full funding, as you are talking

about. Without it we exalt form over substance, and we are interested in substance as we know you are as well, so we thank you. Mr. Whitmore, we will hear from you, sir.

**STATEMENT OF ROBERT WHITEMORE, PRESIDENT,  
INTERNATIONAL ASSOCIATION OF ARSON INVESTIGATORS**

Mr. WHITEMORE. My name is Robert Whitmore. I am president of the International Association of Arson Investigators. This is an organization of over 8,000 members located throughout all 50 States, all provinces of Canada, and 30 countries.

Mr. Chairman, distinguished Members of Congress, I would first like to extend to you my sincere appreciation and the appreciation of the thousands of members of the International Association of Arson Investigators for your leadership within the Senate of the United States in addressing the arson problem that currently exists in this country.

The recent fires in California, where 19 of the 25 wildland fires are believed to be incendiary in origin, which destroyed 200,000 acres of land along with 1,500 homes and damage in excess of \$1 billion, clearly illustrate the magnitude of the problem within the United States.

Unfortunately, throughout this country the public has generally been complacent and unaware of the high costs all of us pay, each and every day, as a result of the acts of incendiarism that are committed against individuals and communities all across this Nation. It is only through legislation at the Federal level such as is proposed in Senate bill 798, the Arson Prevention Act, that we can begin to provide the resources necessary to help combat the most heinous crime being committed today, the crime of arson.

The seriousness of this crime is reflected in the findings of the House of Representatives within H.R. 1727, that found arson is a serious and costly problem in both rural and urban areas of this country, and is responsible for approximately 25 percent of all fires in the United States.

Arson is a leading cause of fire deaths, accounting for approximately 700 deaths annually, and is the leading cause of property damage due to fire in the United States.

Estimates of arson property losses are in the range of \$2 to \$3 billion annually, or approximately \$1 of every \$4 lost to fire.

Statistics developed through the National Fire Protection Association—through their statistical surveys conducted throughout the United States for 1992—provided similar numbers that are equally as horrifying as those I just presented to you. It is estimated by NFPA for 1992 that the incendiary fires within the United States consisted of the following: 94,000 structure fires, 605 deaths, \$2 to \$3 billion in property damage, 44,000 vehicle fires, and 20,000 wildland fires.

As president of the IAAI, I submit to you that the statistics provided to you are only the tip of the iceberg, because we have no single, definitive data base where information relating to all fires, incendiary or accidental, can be classified.

There is inadequate participation by local jurisdictions in reporting to the two primary reporting systems, the National Fire Incident Reporting System and the Uniform Crime Reporting Program.

The third resource for statistical information through the National Fire Protection Association develops their statistics through a national statistical sampling of information from fire departments throughout the United States and projects estimates based upon their research.

The statistics also do not take into account those fires categorized within this country that are suspicious and those that are undetermined, a percentage of which are most certainly arson.

Increased training in the recognition and detection of arson fires will also assist in making definitive determinations as to the cause of the fire, and will hopefully decrease the number of fires categorized as suspicious or undetermined.

Some estimates are that there are over 500,000 incendiary fires in total each and every year in this country. Unfortunately within this country, the resources allocated at the local, county, and State level for purposes of conducting fire investigations have been limited for many years. In fact, in some cities and states, those departments, agencies, and/or units assigned specifically to the investigation of fires have either been downsized or eliminated.

This trend sends a dangerous message across this country when our public servants do not have the necessary resources to adequately investigate fires on a daily basis. You need only compare the response in priority given by a local, State, and Federal officials to an armed robbery at a local bank versus the response given by the same officials to a multiple fatality fire that was determined to be intentionally set for any number of motivational reasons.

Earlier this year, the International Association of Arson Investigators, in conjunction with the U.S. Fire Administration, brought together 31 experts in the field of fire and arson investigation, representing this Nation's fire service, law enforcement, insurance, and legal communities. As a result of this 3-day meeting, a white paper evolved, entitled, "Federal Arson Policy and Priorities: Analysis and Recommendations" that provides specific recommendations in the area of prevention, training, statistics, management, and investigation and prosecution.

Mr. Chairman, this document that was delivered to the U.S. Fire Administration in March of this year will be attached with my written remarks for inclusion in the written record of this hearing. I would respectfully request that the members of this committee carefully review this document, for I believe this report clearly provides a roadmap for addressing the arson problems of this Nation.

Finally, to all of you as distinguished Members of Congress, I submit to you that Senate bill 798 is a beginning, a beginning that offers a ray of hope to this Nation's fire investigators, the men and women from the fire service, law enforcement, and insurance industry that are on the front lines each and every day investigating this Nation's fires.

I would ask that, as you deliberate the passage of this legislation along with appropriating the funds necessary to implement the programs outlined within this bill, you think of those men and women. For the sake of the citizens of this country and for the sake of the hundreds of men, women, and children killed each and every year as a result of the arson fires in rural and urban areas across this

Nation, I urge you and the Members of the Congress of the United States to pass Senate 798, the Arson Prevention Act of 1993.

Thank you, Mr. Chairman.

Senator BRYAN. Mr. Whitmore, thank you very much, and that report will be made a part of the record of these proceedings.

Mr. Tokle, we would be pleased to hear from you now.

**STATEMENT OF GARY TOKLE, DIRECTOR, PUBLIC FIRE PROTECTION DIVISION, NATIONAL FIRE PROTECTION ASSOCIATION**

Mr. TOKLE. Good morning, Mr. Chairman, and thank you for the opportunity to testify before your subcommittee on the very serious problem of arson in America, and in support of this important legislation.

My name is Gary Tokle, and I am the director of the Public Fire Protection Division of the National Fire Protection Association. Before joining the NFPA staff, I served as a firefighter and fire officer in Los Angeles City and Missoula, MO, fire departments and chief of the Sand Point Idaho Fire Department. I also served as deputy director of the California State Fire Marshall's Office. I am therefore very familiar with the wildfire problem in the West, and in particular the wildland-urban interface problem that we have witnessed over the past several weeks in southern California.

I might add that at one time when I was working in Los Angeles I lived in Laguna Beach, and I served on a volunteer fire department in that community, and I am very aware of the challenges that those firefighters faced in combating those fires due to the topography and the type of vegetation that was there, and to limit the number of structures to those that were lost was really a rather miraculous effort on their part.

Unfortunately, too many of these devastating fires are arson-caused. Since the subject of this hearing is arson, let me first talk to the overall arson problem in America, and then I will describe the component of the arson problem associated with outdoor fires, including wildfires.

Mr. Chairman, our president, George Miller, has provided your subcommittee with a detailed written statement on the arson problem, with compelling evidence that arson continues to be a major societal problem in the United States. We request that Mr. Miller's statement be entered into the record of this hearing.

Senator BRYAN. Without objection, that will be the order.

Mr. TOKLE. Although I will not go into the details of NFPA's statistics on arson and suspicious fires which are already available to the subcommittee, let me highlight three facts:

First, incendiary and suspicious fires killed over 600 people last year in America.

Second, incendiary and suspicious fires are the No. 1 cause of property damage due to fire in the United States, causing over \$2 billion, or roughly \$1 in every \$4 lost to fire in a typical year.

Yet, third, NFPA estimates that only about 2 percent of the set fires in America lead to convictions. This last point is extremely important when considering the goals of this legislation.

Simply stated, State and local officials need all the help they can get. The type of demonstration projects proposed in this legislation

can be a tremendous asset in increasing the number of arrests and convictions in arson cases.

Now, a brief word about outdoor incendiary and arson fires, including wildfires and wildlife-urban interface fires. Outdoor fires which include brush, grass, and forest fires constitute the majority of incendiary and suspicious fires, according to NFPA statistics. A special analysis done by NFPA in 1986 showed that nationwide 115,000 incendiary or suspicious fires occurred in grass, brush, and wildland areas, which is 23 percent of the fires that occurred in those areas.

The California State Fire Marshall's Office reports that between 1981 to 1991, there were 245,000 incendiary fires that resulted in 339 fatalities, including 3 firefighters, and nearly 4,000 injuries to firefighters and civilians. These fires also caused losses of over \$1.2 billion in the California area.

In reviewing the recent California fires, where over 1,200 structures were destroyed, and similar wildland urban interface fires, it is extremely important that we find ways to prevent the fires from starting in the first place and, of course, that is what this legislation is all about. We must explore innovative measures to apprehend, arrest, and convict those who deliberately set wildfires such as alleged caused the recent Malibu and Laguna Beach fires.

However, Mr. Chairman, there are a lot of other things that we can do to reduce the destructive force of wildfires after they start, especially the effect of wildfires on our homes and personal lives. As we saw on television news, some homes survived, and many did not.

A lot of the successes had to do with the firefighting efforts of the thousands of firefighters and the hundreds of fire agencies who fought the fires, but the firefighters themselves will readily admit that they are oftentimes fighting a losing battle.

The fire officials are also the first to point out that there are some commonsense steps homeowners should take to reduce the risk of losing their homes in wildfires. Let me cite just a few. Firewise landscaping, reducing the amount of flammable vegetation, both natural and ornamental, around one's house, specifying fire retardant and noncombustible construction materials when building your home, and maintaining defensible space, a fire-safe zone around the structure.

Mr. Chairman, these precautions are spelled out in a new national consensus fire safety standard developed by NFPA's technical committee process. NFPA 299, Protecting Life and Property from Wildfire, has guidelines for developers and homeowners alike.

These standards were developed through a consensus process by a committee of balanced interests, including fire officials, landscape architects, State and local government officials, and insurance representatives. We have provided a copy of the standards to your subcommittee staff.

In addition, in relation to the fire investigation situation, NFPA has also developed two other standards that relate directly to fire investigation and arson investigation. These standards are NFPA 1035 that relates to fire investigator qualifications, and NFPA 921, which are guidelines for conducting fire investigations, and we will provide those to your staff at a later time, sir.

In conclusion, Mr. Chairman, arson remains a very serious drain on America. State and local officials can use all the help they can get. That is why the type of demonstration projects proposed in this legislation will be useful in helping to mitigate the arson problem.

In the meantime, for arson-caused fires as well as accidentally caused fires, there are some basic commonsense steps planners, developers, and homeowners can take to protect themselves from losing everything they own, like we recently witnessed in southern California.

Thank you, Mr. Chairman, for the opportunity to comment on and lend our support to this important legislation.

[The prepared statements of Mr. Tokle and Mr. Miller follow:]

#### PREPARED STATEMENT OF GARY TOKLE

Good morning, Mr. Chairman and thank you for the opportunity to testify before your subcommittee on the very serious problem of arson in America and in support of this important legislation.

My name is Gary Tokle and I am Director of the Public Fire Protection Division of the National Fire Protection Association. Before joining the NFPA staff, I served as a fire officer in the Los Angeles City and Missoula, Montana Fire Departments and Chief of the Sand Point Idaho Fire Department. I also served as Deputy Director of the California State Fire Marshal's office. I am therefore very familiar with the wildfire problem in the West and in particular the wildland-urban interface fire problem that we have witnessed over the past several weeks in Southern California. Unfortunately, too many of these devastating fires are arson caused. Since the subject of this hearing is arson, let me first talk to the overall arson problem in America and then I will describe the component of the arson problem associated with outdoor fires, including wildfires.

Mr. Chairman, our President, George Miller, has provided your subcommittee with a detailed written statement on the arson problem with compelling evidence that arson continues to be a major societal problem in the United States. We request that Mr. Miller's statement be entered into the record of this hearing.

Although I will not go into the details of NFPA's statistics on arson and suspicious fires which are readily available to the subcommittee, let me highlight three (3) facts:

1st) Incendiary and suspicious fires killed over 600 people last year in America (1992)

2nd) Incendiary and suspicious fires are the #1 cause of property damage due to fire in the USA, causing over \$2 billion or roughly one dollar in every four lost to fire in a typical year; and yet

3rd) NFPA estimates that only about 2 percent of the "set fires" in America lead to convictions.

This last point is extremely important when considering the goals of this legislation. Simply stated, State and local officials need all the help they can get! The type of demonstration projects proposed in this legislation can be a tremendous asset in increasing the number of arrests and convictions in arson cases.

Now a word about outdoor incendiary and arson fires including wildfires and wild-fire-urban interface fires.

Outdoor fires which include brush, grass, and forest fires constitute the majority of incendiary and suspicious fires according to NFPA statistics. A special analysis done by NFPA in 1986 showed that nationwide 115,000 incendiary or suspicious fires occurred in grass, brush, and wildland areas, which is 23 percent of the fires that occurred in those areas.

The California State Fire Marshall's Office reports that between 1981 to 1991 there were 245,000 incendiary fires that resulted in 339 fatalities, including 3 fire fighters, and nearly 4000 injuries to fire fighters and civilians. These fires also caused losses of over 1.2 billion dollars.

In reviewing the recent California fires and similar wildland-urban interface fires, it is extremely important that we find ways to prevent the fires from starting in the first place and of course that's what this legislation is all about. We must explore innovative measures to apprehend, arrest and convict those who deliberately set wildfires such as allegedly caused the recent Malibu and Laguna Beach fires.

However, Mr. Chairman there are a lot of things we can do to reduce the destructive force of wildfires after they start \* \* \* especially the effect of wildfires on our

homes and our personal lives. As we saw on television news, some homes survived and many did not. A lot of the successes had to do with the firefighting efforts of the thousands of firefighters and the hundreds of fire agencies who fought the fires.

But the firefighters themselves will readily admit that often times they were fighting a losing battle.

The fire officials are also the first to point out there are "common sense" steps homeowners should take to reduce the risk of losing their homes in wildfires.

Let me cite just a few:

- firewise landscaping; reducing the amount of flammable vegetation, both natural and ornamental around one's home.
- specifying fire retardant and non-combustible construction materials when building your home and
- maintaining defensible space; a fire safe zone around the structure.

Mr. Chairman, these precautions are spelled out in a new national consensus fire safety standards, NFPA 299, Protecting Life and Property from Wildfire, which has guidelines for developers and homeowners alike. \* \* \*

The standards was developed through a consensus process by a committee of balanced interests, including fire insurance representatives officials, landscape architects and state and local government officials. We have provided a copy of the standards to your subcommittee staff.

In conclusion, Mr. Chairman, arson remains a very serious drain on America. State and local officials can use all the help they can get!

That's why the type of demonstration projects proposed in this legislation will be so useful in helping to mitigate the arson problem.

In the meanwhile, for arson caused fires as well as accidentally caused fires, there are some basic common sense steps planners, developers and homeowners can take to protect themselves from losing everything they own like we recently witnessed in Southern California.

Thank you again Mr. Chairman for the opportunity to comment on and lend our support to this important legislation.

#### PREPARED STATEMENT OF GEORGE MILLER, PRESIDENT, NATIONAL FIRE PROTECTION ASSOCIATION

Mr. Chairman, my name is George D. Miller and I am President of the 60,000 member National Fire Protection Association (NFPA). Our mission at NFPA is the safeguarding of people, their property, and the environment from destructive fire and related hazards. As you can see from our mission statement, we have a vital interest in the "Arson Prevention Act of 1993".

The co-sponsors of this important legislation are to be congratulated for their efforts in trying to help State and local officials in combating the problem of arson in America.

Arson and suspected arson remain a serious societal problem and one need only look at the statistics to see the magnitude of the problem. From NFPA's latest report on arson let me quote a few of the statistics:

- Incendiary and suspicious fires remain the #1 cause of property damage due to fire in the U.S.A.
- The death toll in incendiary and suspicious structure fires was 605 in 1992 (last year of NFPA statistics).
- Juvenile firesetters continue to account for the largest share of the arson problem.
- Direct property damage to structures and vehicles due to incendiary and suspicious fires totaled \$2.157 billion in 1992.
- When outdoor fires and a proportional share of fires with unknown causes are added, losses to arson or suspected arson rise even higher, or roughly one dollar in every four lost to fire in a typical year.

Unfortunately, there is nothing new about these statistics. We know what the problem is. To repeat, arson remains very serious in America. State and local officials need all the help they can get.

In our view, the type of demonstration projects proposed in this legislation can be of great assistance to State and local officials. For example, the rate of arson arrests and convictions is extremely low. Only 17 percent of 1992 arson offenses were solved by arrest, according to FBI statistics, and this is typical for property crimes.

By combining NFPA analysis of fire causes with a series of U.S. Department of Justice (DoJ) special studies of the criminal justice system, it is now possible to estimate that only about 2 percent of "set fires" lead to convictions. Of all the incendiary, suspicious, and unknown-cause fires that the NFPA estimates are "set fires",



only one third are confirmed as incendiary and are even considered as arson offenses. Of those, 80-85 percent are never solved. Of those that are solved by arrest, about half of the suspects are never prosecuted. And about one-third of those prosecuted are not convicted. Put these together, and the result is only 2 percent of set fires lead to convictions.

These statistics point to areas of potential improvement throughout the process, but the greatest leverage by far would be achieved in the earliest stages of confirming fires as set and solving arson crimes, both of which require more training and investigative resources for fire and police departments.

In conclusion, I would like to quote from NFPA's most recent report on U.S. Arson Trends (1992), which was cited earlier: "If we can extend anti-arson programs across the country, arson should decline. We are a long way from controlling arson, but we have some powerful tools if we use them."

That, in our view, is the purpose of this legislation; namely to expand existing programs, demonstrate new innovative programs and to improve the training of our Nation's fire service in combating the arson problem.

Thank you, Mr. Chairman for the opportunity to submit our comments on this important legislative initiative.

Senator BRYAN. Mr. Togle, thank you very much for your testimony. We do have a copy of this pamphlet. But let me begin with you, if I may.

Having had some experience in the fire prevention aspect, the thrust of this pamphlet, this appears to be a bit more technical than the ordinary homeowner may be prepared to wade through. I mean the information is, I think, valuable and I am not in any way being critical of it. What type of information, what type of pamphlet form can a homeowner who has vividly on his or her mind this impact of this wall of flame that enveloped these homes can be provided to him or her better understood these safety tips.

Is there something akin to this that may be just a little less technical? And I do not mean to say that it is incomprehensible, but something that might be a little bit more easily used, packaged, by the average homeowner, particularly those that live in areas such as the wildland potential?

Mr. TOKLE. Yes, sir.

NFPA has worked in conjunction with the U.S. Fire Administration, the U.S. Forest Service, the Department of the Interior fire agencies, and the National Association of State Foresters since about 1987 on the project that Mr. Wall referred to, the wildland/urban initiative.

We have developed, in conjunction with them, several different pamphlets that are available specifically for homeowners. And, you are correct, this standard is really developed more in the line of regulations for a local community to adopt and enforce in relation to clearance.

Senator BRYAN. Where would one get those, Mr. Togle?

I am sure that there are a lot of good publications, but, oftentimes, in this maze of Government and private sector organizations all working together to accomplish laudable objectives, as your group and others have testified they are doing, where would one get a copy of this?

Mr. TOKLE. They can get those publications through the U.S. Fire Administration, through the U.S. Forest Service, or through the NFPA.

I might add that one of the things that we did with the publications—there are also a number of videotapes that support these documents. One of the videotapes was filmed in the Senator's



State. We use an example of a planned community right outside of Reno to show the excellent planning that had gone into provide defensible space around the community, and it was really a highlight of the video product that we put together for homeowners, to show them you can develop homes that can be safe, and still can be aesthetically pleasing, and the area does not have to be bare and so forth.

Senator BRYAN. Let me suggest that I am sure that much is being done in that area, but it would be useful to make those available to folks who, once the passage of time erases the memories, nevertheless, are still potentially at risk.

I think that is very helpful. Each summer, I spend a part of my recess up there at Tahoe area, working with people who are involved in fire protection activity. And they make the point that you and others have made, that there really can be a difference; the impact of having this defensible space can be enormously helpful in protecting your home and assisting firefighters who may be called to respond to fires, whether naturally caused or arson related.

Mr. TOKLE. I would just add one point. I was at a meeting Tuesday, where Dr. Bob Martin from the University of California, Berkeley, was presenting a paper that he had done based on the Santa Barbara fire a few years ago, where over 500 homes were lost, I believe. And his study showed that homes that had 30 feet or greater clearance around them stood a 90 percent or better chance of survival from wildfire in that area.

Senator BRYAN. That is a pretty compelling statistic.

Mr. Whitmore, tell us what we at the Federal level can do to be of more help in this effort, if anything, other than the enactment of this legislation that you have all been kind enough to acknowledge, S. 798.

Mr. WHITEMORE. Well, Senator, I believe that, as I stated in my remarks, this offers a ray of hope to those of us in the field of fire and arson investigation, that each and every day are on the front lines, determining the causes of fires around this country. These grants, up to 10 grants, I think is a beginning, Mr. Chairman. It is a beginning to illustrate the concern on behalf of the Federal Government that there is a problem, and recognizing that there is a problem in this Nation that relates to the number of intentionally set fires.

These programs that will be instituted at the State level will provide things like task force development, can provide juvenile firesetting programs, can provide a number of different projects that, through the U.S. Fire Administration, I think will be quite worthwhile to those of us that are out in the field each and every day doing the investigations.

And, again, sir, I refer to the document that I have attached to my remarks. There are very clear outlines as to those projects and programs that can be developed through the United States Fire Administration that I believe would have some impact on this problem.

Senator BRYAN. And I thank you.

Mr. McGarry, perhaps I should have asked Dr. Icové or someone on the previous panel, but is there a profile of the arson personality?

Your tragic description of this revenge episode—and perhaps I am drawing the wrong conclusion—this is someone who was motivated by a spiteful emotional reaction to a domestic situation involving his girlfriend. In my own mind, that does not necessarily indicate a psychopathic personality, even though the tragic loss of life there is clearly murder. It is first degree murder in most States. But that seems to be a little bit different than the kinds of arsonists that you see arrested in other circumstances.

Maybe you can fill in some of the blanks for me there, in terms of any misperceptions that I have about the profile of the personalities that are involved in arson.

Mr. MCGARRY. Mr. Chairman, I am not sure I can fill in all the blanks, but I can refer to the fact that arson profiling has been very helpful in our work in New York. We have used the system that Dr. Icove has developed and has made it available to local agencies in our investigative work.

It seems to us that arson, in many cases, is a tool that is used in much the same way as other tools, such as guns or other weapons might be used in any deviant behavior. And, in that respect, it is difficult to be specific and say that arson is the only tool that a person will use. It seems to me, in many cases, that arson may be the only tool available.

There have been some successful cases, where profiling was extremely helpful. And I am not that close to it, but I have benefited from the results of arson profiling.

Senator BRYAN. It just seems, you know, as a layman looks at that, that this particular episode that you described at this particular club, I mean the individual was motivated by revenge, I take it. So, whether it was fire, a gun or something else, he would have attempted to extract that revenge; whereas in some of these arson-related activities, it appears to me you are dealing with a pyromaniac, somebody that likes to see fire for the sake of fire.

It would strike me that those are very different types of problems, which have a similar result in loss of life and extensive property damage.

Mr. MCGARRY. I would agree with you, Mr. Chairman.

And it also includes the simple curiosity of a young child.

Senator BRYAN. Yes.

Mr. MCGARRY. This can be a devastating impact for a family.

It would seem that, for whatever reason, people act in deviant ways, that reason very well could provide a motive for the use of arson.

Senator BRYAN. Mr. Whitemore, I think you were saying in your testimony that the level has increased, in terms of the activity. Is there any particular reason for that, that we have an increase in crime and violent activity in America? We are debating the crime bill, as you know, today, as we have in previous days. Is this part of an overall trend, or do we see something that is different about arson that attributes its increase to?

Mr. WHITEMORE. I think it can be looked at in a number of different ways. First of all, economic conditions in different parts of the country oftentimes dictate the number of incendiary fires that take place. Second, drug-related and gang-related activities, as I believe you heard testimony today. Through ATF and FBI and

their cooperative efforts, there has been a real hard look at seeing the relationship of those types of problems.

And, generally, it is a crime that takes place around this country for a number of reasons, a number of motivational reasons. And, as I have said before, motive is of the mind. And whatever drives some person to set a particular fire, obviously, would not cause someone else to do it in that type of manner.

So, it is a problem that we see each and every day in this country that, hopefully, this bill will help us address that problem.

Senator BRYAN. Well, I hope so, too.

And, as you know, it has cleared the House of Representatives. And I believe that there is every reason to expect that it will be promptly acted upon. At least I do not know of any objection to it.

Gentlemen, I thank you very much for your time and your testimony, and sharing your thoughts with us. And we will indeed work together as part of that partnership team that each of you have described, to address one of the Nation's more serious law enforcement problems.

Again, thank you very much for being here today to testify.

We will stand in adjournment.

[Whereupon, at 12:05 p.m., the hearing was adjourned.]

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## APPENDIX

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### PREPARED STATEMENT OF SENATOR GORTON

Mr. Chairman, I would like to thank you for calling this hearing on arson prevention. The tragedy of the California wildfires earlier this month has focused the nation's attention on arson. These wildfires, which have killed three people and injured 162, have destroyed 1,241 homes and caused \$500 million in property damage. Our colleagues from California, Senators Feinstein and Boxer, will describe the magnitude of this tragedy and the relief efforts that are now under way.

Arson kills 700 people each year in the United States. It also causes approximately \$2 billion in property damage annually. Arson is responsible for 25 percent of all fires in the United States.

Last week the Commerce Committee reported S. 798, the Arson Prevention Act of 1993, which was introduced by Chairman Bryan. This bill authorizes \$8 million in grants to states for research on arson prevention and control. The bill also provides funding for arson investigator training at the National Fire Academy. This training would be available to fire fighters from across the nation. I am pleased to be a cosponsor of this important legislation.

Again, thank you, Mr. Chairman, for holding this important and timely hearing.

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[Arson Forum Report, Federal Emergency Management Agency, United States Fire Administration (FA-134/June 1993) may be found in the committee files.]



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